

REMARKS

I. Status of the Claims

Claims 1-3 are pending. Claims 4-5 have been cancelled by this communication.
Claim 1 is amended by this communication.

II Response After Final Should Be Entered

The amendments to claim 1 and 3 do not raise any new issues and do not require a new search. Applicant in its previous response pointed out that its invention calls for two scented materials--scented beads 60 and scented oil 70. The action states that the cited reference's bead saturated in scented oil reads on claim 1's recitation of a scented bead 60 having a layer of scented oil 70 thereon.. The Action further states that Applicant's specification does not disclose two scented materials. Applicant disagrees. Applicant did not earlier make the clarifying amendments because the Action just rejected Applicant's interpretation of the claims in the final action.

III Pending Claims Patentable over Cited References

The Examiner rejects claims 1-4 under 35 USC § 103 as being unpatentable under U.S. Patent Number 5,727,751 in view of U.S. Patent Number 4,759,510 and Mount.

Applicant respectfully asserts that the claims are patentable over the references. Applicant's claim, as previously presented and now further clarified, calls for two scented materials-- a scented bead 60 and scented oil 70. The cited references, as acknowledged by the examiner, have only one scented material. The material in Singer is a material which saturates a micro porous pellet 14. The material in Liu is simply shown as an aromatic bead 54

Applicant's specification supports the recitation of two scented materials. The first paragraph specifically recites the roller has scented beads 60 and a layer of scented oil 70 disposed over the scented beads 60. Figure 9 and 10 show the distinct materials 60 and 70. as separate items. If only the oil was scented, Applicant would not describe the beads

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as scented beads 60 and then separately identify the scented beads 60 as having a layer of scented oil 70. Applicant would have rather had to describe the oil and the bead together as comprising the scented bead and referenced the item accordingly. Applicant, however, refers to the item 60 as a scented bead 60 having a layer of scented oil 70. Giving meaning and context to Applicant's choice of words and drawings, requires a construction in which there are two scented materials--scented beads 60 and the scented oil 70.

Also the last paragraph, read in context of the previous disclosure, makes it clear there are two separate scented materials. The last paragraph states beads 60 are made of plastic. The beads 60 are scented. The structure 60 by itself is described as scented and is shown as a separate feature in the drawings. The last paragraph goes on to say there is a layer of scented oil 70 over the scented beads.

As the cited references disclose a single scented material, Applicant respectfully requests the Examiner withdraw the final action and issue a notice of allowance.

Respectfully submitted,

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